

SUPERIOR COURT OF CALIFORNIA

County of San Diego

DATE: December 11, 2006 DEPT. 71 REPORTER A: CSR#

PRESENT HON. RONALD S. PRAGER REPORTER B: CSR#

JUDGE

CLERK: K. Sandoval

**BAILIFF: REPORTER'S ADDRESS: P.O. BOX 120128
SAN DIEGO, CA 92112-4104**

TENTATIVE RULING

**DETERMINATION OF GOOD FAITH SETTLEMENT DYNERGY INC., WEST COAST POWER
LLC, DYNEGY MARKETING AND TRADE AND DYNEGY POWER MARKETING INC.**

IN RE: JCCP 4221/4224/4226&4428 – Natural Gas Anti-Trust Cases (Price Indexing)

The attached Court's tentative ruling applies to all cases listed as follows:

4221-00020	UYEDA vs CENTERPOINT ENERGY INC
4221-00021	BENSCHIEDT vs AEP ENERGY SERVICES INC
4221-00022	COUNTY OF SANTA CLARA vs SEMPRA ENERGY
4221-00023	CITY AND COUNTY OF SAN FRANCISCO vs SEMPRA ENERGY
4221-00024	COUNTY OF SAN DIEGO vs SEMPRA ENERGY
4221-00025	OLDER vs SEMPRA ENERGY
4221-00026	CITY OF SAN DIEGO vs SEMPRA ENERGY
4221-00027	TAMCO vs DYNEGY INC
4221-00028	A L GILBERT COMPANY vs CORAL ENERGY RESOURCES LP
4221-00029	OBERTI WHOLESALE FOOD INC vs ENCANA ENERGY SERVICES INC
4221-00030	BROWN vs ENCANA ENERGY SERVICES INC
4221-00031	LOIS THE PIE QUEEN vs ENCANA ENERGY SERVICES INC
4221-00032	VITTICE CORPORATION vs ENCANA CORPORATION
4221-00033	COUNTY OF ALAMEDA vs SEMPRA ENERGY
4221-00034	THE REGENTS OF THE UNIVERSITY OF CALIFORNIA vs RELIANT ENERGY SERVICES INC
4221-00035	SCHOOL PROJECT FOR UTILITY RATE REDUCTION vs SEMPRA ENERGY
4221-00036	ASSOCIATION OF BAY AREA GOVERNMENTS vs SEMPRA ENERGY
4221-00037	OWENS-BROCKWAY GLASS CONTAINER INC vs SEMPRA ENERGY
4221-00038	TEAM DESIGN DBA TIMOTHY ENGELN INC vs RELIANT ENERGY INC
4221-00039	CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER vs RELIANT ENERGY SERVICES INC
4221-00040	SACRAMENTO MUNICIPAL UTILITY DISTRICT vs RELIANT ENERGY SERVICES INC

4221-00041	SHANGHAI 1930 RESTRAURANT PARTNERS LP vs ENCANA ENERGY SERVICES INC
4221-00042	PODESTA vs ENCANA ENERGY SERVICES INC
4221-00042	PODESTA vs ENCANA ENERGY SERVICES INC
4221-00044	COUNTY OF SAN MATEO vs SEMPRA ENERGY
4221-00045	BUSTAMANTE vs WILLIAMS ENERGY SERVICES
4221-00046	PABCO BUILDING PRODUCTS vs DYNEGY INC
4221-00047	BOARD OF TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY vs DYNEGY INC
4221-00043	NURSERYMAN'S EXCHANGE OF HALF MOON BAY vs SEMPRA ENERGY

The Court rules on defendants Dynegy Inc., West Coast Power LLC, Dynegy Marketing and Trade, and Dynegy Power Marketing, Inc.'s motion for determination of good faith settlement (collectively "Dynegy Defendants") as follows:

This unopposed motion for good faith settlement is GRANTED for the reasons stated below.

The factors that a Court considers in evaluating whether a settlement was made in good faith is set forth in Tech-Bilt, Inc. v. Woodward-Clyde & Associates (1985) 38 Cal. 3d 488, 499.

Here, the Dynegy Defendants have set forth sufficient evidence for this Court find that the requirements outlined in Tech-Bilt have been met in this case. Based on the information provided by the moving parties, the Court concludes that the settlement between the Class Plaintiffs and the Dynegy Defendants is within the ballpark of its proportionate share of liability. See Tribble Declaration, ¶4 and Exhibit A; See also Dynegy Defendants' Memorandum of Points and Authorities, pp. 6-8. The Court also notes that no evidence of collusion, fraud, or tortious conduct has been brought to this Court's attention. Ibid.

IT IS SO ORDERED.